

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statements (IDS) by return of the Form PTO-1449, and for the acknowledgment of Applicants' Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action. Upon entry of the present amendment, claim 1 will have been amended, claim 2 will have been canceled, and claims 8-19 will have been added. Claims 1 and 3-19 remain pending in the present application.

Applicant gratefully acknowledges the Examiner's indication of the allowability of claims 2-7. In this regard, Applicant notes that independent claim 1 has been amended to incorporate the limitations of allowable claim 2 (and claim 2 has been canceled). Applicant further notes that newly-added independent claim 8 generally corresponds to independent claim 1 and allowable claim 3, that newly-added independent claim 13 generally corresponds to independent claim 1 and allowable claim 4, and that newly-added independent claim 17 generally corresponds to independent claim 1 and allowable claim 5. Applicant further notes that newly-added dependent claim 9 generally corresponds to original claim 4, that newly-added dependent claims 10 and 14 each generally corresponds to original claim 5, that newly-added dependent claims 11, 15 and 18 each generally corresponds to original claim 6, and that newly-added dependent claims 12, 16 and 19 each generally corresponds to original claim 7.

The Examiner has rejected claim 1 under 35 U.S.C. § 102 (b) as being anticipated by MISAKA (U.S. Patent No. 5,859,729). As discussed above and solely in

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order to advance the prosecution of the present application as discussed above, Applicant has amended independent claim 1 to incorporate the limitations of allowable claim 2, which should not be taken as an acquiescence by Applicant as to the appropriateness of the rejection. Further, Applicant expressly reserves the right to submit claims of a related scope in another application. Thus, the cancellation of the claims in the present application is without prejudice.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1, 8, 13 and 17, these claims, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(b).

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Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 102, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the newly-added claims as well as the allowable features incorporated into claim 1, should not be considered as surrendering equivalents of the territory between the claim prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Takashi ENOMOTO

A handwritten signature in dark ink, appearing to read "William S. Boshnick", written over a horizontal line.

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May 23, 2004
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